

IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MARYLAND, NORTHERN DIVISION

GUY E. LATTUS,

Plaintiff,

v.

MICHAEL O. LEAVITT,  
SECRETARY, UNITED STATES  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES,

Defendant.

CIVIL NO.: WDQ-05-2310

\* \* \* \* \*

MEMORANDUM OPINION

Guy Lattus sued Michael Leavitt, Secretary of the Department of Health and Human Services ("DHHS") for employment discrimination pursuant to the Rehabilitation Act of 1973, 29 U.S.C. §§ 701-797b. On February 1, 2006, the Court granted Defendant's motion for summary judgment. Pending is Lattus's motion for reconsideration of the Court's February 1, 2006 order. For the following reasons, the motion will be denied.

I. Background

In March, 2003 DHHS issued vacancy announcement PSC-03-021 for accountant positions in the Contract Support and Review Branch ("CSRB"), Division of Acquisition Management, Program Support Center in Rockville, Maryland. Def.'s Mot. to Dismiss or for Summary Judgment, p. 2. Lattus—who stutters—applied for the

position and was interviewed by Martha Ames (CSRB Chief) and Margaret Kelly (Supervisory Contract Specialist) in May, 2003, but was not selected for the position.

In August 2005, Lattus filed suit in this Court. On February 1, 2006, the Court granted Defendant's motion for summary judgment on the grounds that DHHS had provided a non-pretextual, non-discriminatory reason for Lattus's non-selection. Lattus has moved for reconsideration of the Court's order.

## II. Analysis

Under Federal Rule of Civil Procedure 59(e), a court may grant a motion for reconsideration to: 1) accommodate an intervening change in controlling law; 2) account for new evidence previously unavailable; or 3) correct a clear error of law or prevent manifest injustice. *Bogart v. Chapell*, 396 F.3d 548 (4<sup>th</sup> Cir. 2005).

A court may amend a final judgment under Rule 60(b) because of, *inter alia*: 1) mistake, inadvertence, surprise, or excusable neglect; 2) newly discovered evidence; 3) fraud, misrepresentation, or other misconduct of an adverse party; or 4) any other reason justifying relief from the operation of the judgment. Federal Rule of Civil Procedure, 60(b).

Lattus has moved for reconsideration of the Court's order arguing that: 1) he was qualified for the position denied; 2) his

disability was apparent during the interview; and 3) he was not selected because of that disability.

These arguments, however, simply reiterate those raised in his Complaint and Opposition to the Motion for Summary Judgment. As Lattus has failed to offer new evidence, show a change in the controlling law or demonstrate error by the Court, the motion for reconsideration will be denied.

March 28, 2006  
Date

/s/  
William D. Quarles, Jr.  
United States District Judge